

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

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OWEN W. BARNABY,  
Plaintiff

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Vs.

) Hon. Robert J. Jonker  
) Hon. Mag. Sally J. Berens

MICHIGAN STATE GOVERNMENT, ET, AL  
Defendants

) Case No. 1:22 -CV- 1146

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**Plaintiff Request the Clerk Court to Enter A DEFAULT Against all Listed Defendants Listed Below, Pursuant 55.(a),**

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Comes Now, Plaintiff, In Pro Se, with his, 'request for Clerk of Court to enter a Default against all named Defendants listed below, because of the Defendants' Failure to file an Answer to Plaintiff's 'Second and Third Amended Complaint (ECF Nos,10, 36) or a valid Motion, or a Motion Under Rule 12, and to appeal the District Court Orders and Final Judgment Judgments (ECF Nos. 35, 56, 67, 68). For the Grand total sum certain Default Judgment damages claim which is good through December 31, 2023, to the tune of **\$22, 529,329.60:**

1), Defendant - Lori D. Jarvis Registrar; 2), Defendant - Lora L. Freehling Registrar; 3), Defendant - Kathleen Culberson, Notary Public; 4), Defendant – Bret Witskowski, Treasurer; 5), Defendant – Shelly Weich, Treasurer; 6), Defendant – Board of Commissioner; 7), Defendant – Attorney Mckinley R. Elliott; 8), Defendant – Attorney Donna B. Howard; 9), Defendant – Attorney James McGovern; 10), Defendant – Berrien County Government; 11), Defendant – Bret Witskowski, in his Individual capacity; 13), Defendant – Attorney Jefferey R. Holmstrom and 14), Defendant – Holmdtrom Law Office; 15), Defendant - Niles Charter Township Board of Trustees; and, 16), Defendant - for Defendant - Niles Charter Township; 17), Defendant – City of Benton; 18), Defendant – Kendell S. Asbenson, Assistant Attorney General of Michigan; 19), Defendant – Hon. Rick Snyder Former Governor of Michigan; 20), Defendant – Hon. Jennifer Granholm, Former Governor of Michigan.

Pursuant to Rule 55(a), Plaintiff 'request' the Clerk of Court to enter a Default against all named Defendants above, for sum certain total of **\$22, 529,329.60**, because of the Defendants' Failure to file an Answer to Plaintiff's 'Second and Third Amended Complaint (ECF No,10, 36) or a valid Motion, or a Motion Under Rule 12, and to appeal the District Court Orders and Final Judgment Judgments (ECF Nos. 35, 56, 67, 68). failure to file an answer to Plaintiff's Complaint or a valid Motion, and or a Motion Under Rule 12. Please, see attached Affidavit.

**Rule 55 – Default; Default Judgment**

(a) **Entering a Default.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.

(b) **Entering a Default Judgment.**

(1) *By the Clerk.* If the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff’s request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person. “....for sum certain total **of \$22, 529,329.60.**”

Plaintiff contends that, he had honestly mistakenly titled his intended two prior Request for the Clerk Court to Enter A DEFAULT (ECF No,32, 75), as a Request to Enter Default Judgment Against Defendants Pursuant to RULE 55 – (a), (b) 1. As the clerk could see, even within the body of the request were the correct RULE 55 – (a), (b) 1, showing Plaintiff’s intent. Plaintiff’s intent was a Request to Enter DEFAULTS (ECF Nos,32, 75), and Request to Enter DEFAULT JUDGMENTS (ECF Nos, 28, 31, 81, 88). Plaintiff is aware that the Hon. Mag. Sally J. Berens had made an Order in respect to (ECF Nos, 28,31, 75, 77 and 81) of which Plaintiff had filed notice to appeal to the District Court, the Hon. Robert J. Jonker.

The United State Supreme Court Ordered that, Courts should treat In Pro Se Litigants liberty. Plaintiff is an In Pro Se Litigant. Please, see Erickson v. Pardus, 551 U.S. 89, 94 (2007).

Lastly, the Clerk of this Court on December 21, 2023, did something similar for the State of Michigan Defendants who have the best of the best attorneys.

**CLERK'S NOTICE**

“The clerk's office has reviewed the following recent filing and notifies the filer as follows:

TO: Kimberly K. Pendrick

RE: Brief (Non-Motion) – #83

REASON FOR NOTICE: It appears that the filer has chosen the wrong event, which caused case management or linkage problems. A more specific selection exists, e.g. Response to Motion, and should have been used. RECOMMENDED ACTION: None. Court staff will make the necessary modifications.

INFORMATION FOR FUTURE REFERENCE: Use the Search function to assist in event selection. After logging in to CM/ECF, click Search from the blue menu bar at the top of the screen. Enter key word(s) to search for an event. The list of results provides a hyperlink for each event, which allows the user to begin electronic filing. For most filings, there is an event selection specific to the type of filing.

For further assistance, please contact the ECF Help Desk at [ecfhelp@miwd.uscourts.gov](mailto:ecfhelp@miwd.uscourts.gov), or by phone at (800) 290-2742 or (616) 456-2206.”

CLERK OF COURT

Dated: December 21, 2023, By:

/s/ P. Woods Deputy Clerk”

### **Request**

For the reasons articulated therein Plaintiff request or ask this Your Honorable Clerk of Court to enter a Default Against all the above listed Defendants Pursuant to RULE 55 (a), in accordance with the **sum certain total of \$22, 529,329.60, in his affidavit.**

Respectfully Submitted,

Dated: December 28, 2023,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.

**CERTIFICATE OF SERVICE**

The undersigned states that on the 28<sup>th</sup> day of December 2023, a duplicate original of Plaintiff's, request of Clerk of Court to enter Default Judgment against all named Defendants filed with the Clerk of the using the ECF System, which will provide electric notice to the parties of record, and I have emailed and mailed by U.S. Postal Service the same to the non-ECP participants attorney above.

Respectfully Submitted,

Dated: December 28, 2023,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.